



Madera County Department of Agriculture Weights and Measures

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MADERA COUNTY PESTICIDE USE ENFORCEMENT PROGRAM

Workplan 2010-2012

Our Mission:

To preserve agriculture and our precious natural resources; to foster consumer confidence and fairness in the business community; and to enhance the health and safety of all citizens through the just administration of the laws and regulation entrusted to this department.

Madera County Enforcement Work plan for 2010 thru 2012

Pesticide Use Enforcement (PUE) Resources and Workload

Personnel:

8 Agricultural/Standards Inspectors

All inspectors receive training involving all aspects of the PUE program. The hours dedicated to PUE equate to 4 full-time inspectors and 1 full-time Deputy Commissioner. Due to budget shortfalls, the department will not be hiring as many extra-help positions for the pest detection/management/exclusion programs; likely resulting in less inspector hours being dedicated to the PUE program as these inspectors will be responsible for some of the pest detection work..

We currently have one bi-lingual (Hmong) Inspector and one bi-lingual (Spanish) inspector on staff. Currently, neither of the bi-lingual inspectors are assigned to work in the PUE department; however they are available to assist with inspections and investigations as needed.

2 Agricultural Technicians

Available to assist the inspection staff in a non-licensed capacity with various aspects of the PUE program, in addition to their duties in other agricultural and Weights and Measures programs.

1 Deputy Agricultural Commissioner Supervisory Role

1 Assistant Agricultural Commissioner Supervisory Role

1 Agricultural Commissioner Supervisory Role

3 Clerical/data entry positions (Equates to 1 ½ positions dedicated to the PUE program)

All PUE staff is centrally located in our Madera office and report directly to the Deputy Commissioner.

Due to the fiscal emergency in Madera County three previously vacant positions (2 Inspectors & 1 Deputy) have been eliminated from the department. There is also a possibility that more positions will be lost due to further budget reductions.

Equipment/Facilities:

The Madera County Agricultural Commissioners office (MCAC) is open to the public weekdays, 8 am to 5 pm. Emergency contact is available outside of office hours via county or state "first-responder" agencies; in addition, the Agricultural Commissioner is listed in the Madera phone directory.

Beginning in 2010, the Madera County Board of Supervisors has decided to furlough county departments an equivalent of 2 days per month. Staff will be available on furlough days on an as needed basis to perform essential functions.

Each Inspector has a computer workstation at their desk for permit issuance, report preparation, and internet and e-mail access. The front counter is equipped with a computer workstation for

permit issuance. Our office uses the AgGIS Permit Program for permit issuance and web-based applications are utilized for some NOI submittal and pesticide use reporting.

Our office currently has ArcGIS on all Inspectors desktop and 2 staff members with some basic training in its use. We have one mobile GPS unit.

All Inspectors have vehicles, digital cameras and cell phones assigned for their use. The following are available for use in the field: one laser rangefinder, three anemometers, two tablet PCs and two portable printers.

Workload (Approximations)

- 500 Restricted Materials permits issued annually
- 400 Operator Identification numbers issued annually
- 2,500 Notices of Intent received/reviewed annually
- 57,000 - 60,000 lines on Pesticide Use Reports
- 211 Groundwater Protection Areas
- 600 certified Private Applicators
- 2 Pesticide Dealers
- 140 registered Pest Control Businesses
 - 40 Home-based
- 180 registered Pest Control Advisors
 - 25 Home-based
- 40 registered Pilots
 - 10 Home-based
- 150 registered Farm Labor Contractors
 - 50 Home-based
- 110 Registered Structural Pest Control Businesses
 - 25 Home-based

A. Restricted Materials Permitting

Goal

- Protect the people of Madera County and their environment while allowing effective pest management.

Permit Evaluation

In the MCAC, Inspectors are responsible for evaluating and issuing permits to operators on a first come first serve basis. By policy, MCAC issues Restricted Materials Permits for a maximum period of one year.

During the fall of each year, in preparation for the upcoming growing season, current holders of Restricted Materials Permits and Operator Identification Numbers are sent a notification letter and application form for permit renewal. The completed application forms, and crop maps if any changes have occurred, are submitted by the Permittee to the MCAC. This procedure allows time for the Inspectors to review the operator's file prior to issuing the Permit/Operator ID. If use-reporting inadequacies are found, the pesticide dealer is contacted for a complete list of materials purchased. Purchased pesticides must be either reported as used or present at the storage site; the permit is delayed until the issue is resolved. This process establishes accountability from the initial permit evaluation phase, through permit issuance.

Inspectors utilize a renewal checklist to ensure that permit applicants are qualified and have met requirements to hold a Restricted Materials Permit, and to ensure that the permits are CEQA compliant. Operators must either own or lease the properties to be listed on their permits. Operators managing properties other than their own must possess a Pest Control Business License. When questions of unlicensed farm management arise, a title or lease agreement may be required prior to permit issuance.

Permits for new or absentee owners receive particular attention. If they plan to hire employees they are given a complete copy of the Pesticide Safety Information Series. Absentee owners must demonstrate that their operation can provide qualified on-site supervision of employees handling pesticides. In the past new permittees received an Answer Book, a county-produced manual that covers, in plain English, the basic regulatory requirements for the use of pesticides in Madera County. A revision of the Answer Book is planned within the next few years to include changes in dormant spray, respiratory protection, VOC, Notification, and Enforcement Response Regulations. The book will be reformatted so that replacement pages can be added when regulations change, eliminating the need to publish an entirely new book whenever there are new or amended regulations. Because the Answer Book is so far out of date it will no longer be distributed until a revision is complete.

Each site included on the permit is identified down to the field level on our county GIS crop layer, utilizing aerial imagery and prior-year site boundaries. Residential areas, schools, waterways, and other sensitive areas are visible on the crop layer; this assists in evaluating sites to determine if a substantial adverse impact may result from the application of restricted materials. Surrounding crops are updated as permits are renewed. Feasible alternatives to restricted materials are considered and implemented when appropriate.

- Private Applicators and Qualified Applicators are verified and listed on the permit. Employers of pesticide handlers must have a qualified trainer. If the operator of the property is not available to sign the permit, an authorized representative is allowed to sign with the proper documentation. The compliance database is checked for areas that need to be addressed with the permit applicant.

Following the receipt of the Restricted Material Permit/Operator Identification Number holder's paperwork, Inspectors will update the permit and review the file. Any problems are addressed with the permit applicant and if necessary a records inspection is scheduled. At the time that the permit applicant receives their permit, the issuing inspector also reviews their compliance history with them as well as other information that may apply to their operation such as dormant spray regulations, respiratory protection regulations, ground water protection requirements, and employee training requirements along with providing copies of the pesticide safety information series. Maps created with the AgGIS system are reviewed with the permit applicant and houses, schools, bus stops, or other sensitive areas are indicated. The maps are then attached to the permit that is provided to the applicant.

Deliverables

- Improve Permit Issuance Process

Every year Inspectors are given a review session on permit issuance targeting specific problem areas identified by our staff and Enforcement Branch Liaison. Permit conditions will be reviewed and updated prior to each permit season. Problem areas discovered in the previous year are specifically addressed on the permit renewal checklist that is completed for every renewal.

Non-Ag sites are separated from Ag permits and issued a separate permit to facilitate staff's ability to apply requirements that may be specific to the various permit types.

Site-Monitoring Plan

Notices of Intent (NOI) are received in person, by phone, online, or by fax. A minimum of one Inspector is assigned to office duty on a daily basis. 100% of the proposed applications are reviewed for accuracy, completeness, and to ensure compliance with permit conditions and product labeling. Product labels are reviewed to determine possible adverse impacts. In some cases, inspection of the proposed site is necessary in order to adequately evaluate a proposed application. The applicator is notified, by phone, of the approval or denial of each NOI.

When selecting sites for pre-application inspection, we take into consideration pesticide hazards, local conditions, cropping and field patterns, and compliance histories of permittees, applicators, and advisors.

Madera County conducts pre-application site inspections on greater than 5% of the sites named in the Notices of Intent received. In addition to the concerns noted above, these inspections are conducted using the potential for increased hazards as the primary criteria.

Deliverables

- Each NOI received will be reviewed and approved. Applications will not proceed as scheduled without inspector approval.
- Ensure that Site-Monitoring Plan is Comprehensive

We will focus pre-application site inspections on the following applications: field fumigations; springtime applications of phenoxy herbicides; cotton defoliation applications which may impact residential areas; aerial applications near sensitive areas; applications in areas which have generated complaints in the past; applications of GWPP materials in ground water protection areas; and applications of Section 18 materials.

We expect targeted monitoring of proposed application sites will optimize resources, while providing additional evaluation in application situations with the potential to impact human health and the environment.

B. Compliance Monitoring

Yearly Inspection Workload (Anticipated)

Agricultural Application	
Grower	100
Pest Control Business	20
Agricultural Mix/Load	
Grower	15
Pest Control Business	10
Field Worker Safety	20
Fumigations – Non Structural	

Field	5
Commodity	5
Structural Applications	
Branch 1	5
Branch 2/3	35
Records Inspections	
Pest Control Business	10
Pest Control Business HQ/Empl.Safety	10
Dealer	2
PCA	10
Grower HQ/Employee Safety	175
Structural HQ Employee Safety	10

Comprehensive Inspection Plan

Goal

- Utilize an effective and comprehensive compliance-monitoring program to reduce risks to people and the environment.

Field Worker Safety inspections are conducted in fields where there has been a pesticide application in the past 30 days. Proximity to other treated fields, compliance history of the employer, and the potential for fieldworker exposure are considered when deciding where to concentrate the departments inspector resources.

Pesticide Use Monitoring Inspections are conducted on growers and Pest Control Businesses; prioritization is based on the potential hazard posed by the application. We consider the material being applied, method of application, proximity to sensitive areas, and compliance history of the applicator. In addition, random inspections are conducted within each of the five PUE districts during routine surveillance.

Headquarter and Records inspections are conducted as a follow-up for all inspections where violations are discovered. These inspections are also conducted during illness and incident investigations, and prior to permit renewal when it is suspected that a pesticide use reporting deficiency exists. Further, random inspections are conducted within each of the five PUE districts.

One pesticide use-monitoring inspection, or pre-site evaluation for each non-agricultural permit issued will be completed.

Periodic staff meetings are scheduled for coordination, identification of areas of concern, and dissemination of new information.

Deliverables

- Emphasize Incident Prevention

The department recognizes that Field Worker safety inspections prevent accidental pesticide exposures; however the department's ability to perform Field Worker Inspections will be significantly impacted by Inspector inexperience and the availability of only one bi-lingual employee on staff to translate. In 2009 the department specifically

targeted field worker inspection during the harvest season. The majority of crews contacted were not working in treated fields so an inspection could not be conducted. Employee safety requirements were reviewed with the farm labor contractors and crew supervisors even though an inspection could not be performed. We will continue to attempt to identify times of the year when workers are present in treated fields so that we can increase our number of complete field worker inspections conducted.

- **Strengthen Structural Enforcement Program**

In 2009 the department significantly increased the number of structural inspections performed. This allowed our department to make contact with a larger amount of structural applicators operating within Madera County. We will continue to devote time to this segment of the regulated community.

- **Increase Headquarter and Employee Safety Inspections**

In 2009 an assessment of headquarter inspections performed on Madera County operators was conducted. Operators with the largest amount of acreage who did not have a recorded records inspection on file were targeted to receive a headquarter inspection. We will continue to target operators who we have not inspected previously in an effort to inspect all operators every four to five years.

Timely Initiation and Completion of Investigations

Goal

- Thoroughly investigate every incident and complete the investigation in a timely manner with accurate and supportive information.

Both illness and incident investigations are initiated and completed in a timely manner. Priority investigations are initiated immediately upon notification. Proper techniques are used for interviews, evidence collection and documentation. Investigations are logged and tracked through completion. The Deputy Commissioner reviews each report for thoroughness before final review by the Commissioner. Completed illness investigation reports are submitted to the DPR's Worker Health and Safety Branch.

During 2009 we investigated 10 pesticide illness cases and 8 pesticide drift incidents. This is consistent with investigation numbers from 2008.

A Monthly Pesticide Episode Investigation Log (Illnesses and Complaints) is maintained for all pesticide illness and incident investigations.

Deliverables

- **Thorough and Timely Completion of Pesticide Incident Investigation Reports.**

Routine investigations are assigned to inspectors. The PUE division currently has 4 full-time inspectors. One of the four inspectors is not licensed in Investigation and environmental monitoring. Three of the four have less than 2 years experience.

We recognize that timely completion of incident reports will result in a swifter and thus more effective enforcement response. The challenge will be with our current staff level, and lack of experience, achieving the desired goal. If the trend of fewer incidents continues, it will lower inspector workload and allow experienced inspectors more time to work with inexperienced inspectors in this vital area of the program.

C. Enforcement Response

Goal

- Fairly and consistently apply DPR's Enforcement Response Regulations to incidents in which violation of pesticide laws or regulations have been confirmed and documented.

It has been our experience over the years that there is a correlation between a property operator's laxness with paperwork and subsequent non-compliances in the field. We have found that time spent on thorough evaluation during the permit issuance process is invaluable in the prevention of future problems. Limitation or denial of pesticide permits is an integral component of our overall enforcement strategy.

Further, we have found that grower outreach, both to acquaint operators with new regulations and to provide an opportunity for questions, is invariably time well spent. This involves one-on-one reviews of the requirements with new growers, as well as Continuing Education sessions for Private Applicators. Growers must be apprised of the consequences of violations of the law.

Finally, we emphasize follow-up where non-compliances are found. Whatever the ultimate penalty, operations with problems must receive continuing attention until compliance is achieved. In addition to follow-up inspections, this may involve cease-and-desist orders, compliance interviews, letters of warning, or Notices of Violation.

Violations are reviewed and classified using the Enforcement Response Regulations. The appropriate response is then established based on the category of the violation and previous compliance history. Enforcement actions are progressive, varying in degree from notice of non-compliance to administrative civil penalties to higher-level actions, including referral to the District Attorney for criminal sanctions.

Deliverables

- Adherence to DPR's Enforcement Response Regulations in determination of appropriate response to violations.

We will continue to develop and implement a standardized procedure for inspectors to refer repeat violators to management for enforcement action review.

We anticipate that fair, consistent, progressive, and transparent enforcement response will continue to strengthen the regulation of pesticide use in Madera County.

- A Decision Report will be submitted in lieu of other enforcement action in accordance with DPR guidelines.